

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

BILLY R. ROSS

PLAINTIFF

v.

3:05CV00033 JTR

JO ANNE B. BARNHART,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Defendant has filed a motion to remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record, including clarifying the effect of Plaintiff's limitations on his occupational base, and to issue a new decision. Plaintiff promptly replied that he has no objection to the requested remand. Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

IT IS THEREFORE ORDERED that Defendant's motion to remand (docket entry #14) is hereby granted. All other pending motions are hereby rendered moot. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 16<sup>th</sup> day of March, 2006.

  
A. Thomas Ray  
UNITED STATES MAGISTRATE JUDGE